



Benjamin R. Fliegel
Direct Phone: +1 213 457 8050
Email: bfliegel@reedsmith.com

Reed Smith LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-1514
+1 213 457 8000
Fax +1 213 457 8080
reedsmith.com

September 21, 2023

VIA ECF

Hon. Alan S. Trust, Chief Judge
United States Bankruptcy Court
Eastern District of New York
290 Federal Plaza
Central Islip, NY 11722

Re: *Ehrenberg v. Kelly, et al.*, Adv. Proc. No. 20-08048 (AST)
Main Case: *In re Orion Healthcorp, Inc., et al.*, Main Case Nos. 18-71748-67, et al.

To the Hon. Alan S. Trust and all interested parties:

This joint letter is submitted on behalf of Howard M. Ehrenberg, the liquidating trustee of the jointly administered bankruptcy estates of Orion HealthCorp, Inc. and Constellation Healthcare Technologies, Inc. (“Trustee”) and Elizabeth Kelly (“Kelly”, and collectively with the Trustee, “Parties”), Parties in the above referenced action.

The Parties jointly request to extend the discovery deadlines set forth in the Court’s May 17, 2023 Case Management And Discovery Plan [ECF No. 32] (“Scheduling Order”) for good cause.

On September 21, 2023, the parties met and conferred in good faith to address all known outstanding discovery issues. These include (1) outstanding productions of responsive documents that the parties have agreed to produce but are unable to do so before the close of discovery, (2) the unavailability of non-party witnesses for their noticed depositions before the currently scheduled close of fact discovery, (3) party witness depositions which the parties agree should be conducted after documents production to avoid re-calling witnesses, and (4) the possibility of further discovery necessitated by the review of records which have been requested but not yet been produced.

The Parties agreed that they can and will produce all documents falling within the requests and agreements in prior meet and confer discussions on or before October 20, 2023. Both Parties agree that discovery cannot be completed within the current discovery schedule.

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For these reasons, the Parties jointly request to extend the dates in the Scheduling Order as follows:

- The Parties will complete documents productions on or before October 20, 2023;
- The **fact** discovery completion deadline set forth in ¶ 3 of the Scheduling Order is amended to require completion of fact discovery no later than December 20, 2023;
- The **expert** discovery completion deadline set forth in ¶ 5(a) of the Scheduling Order is amended to require completion of expert discovery no later than March 22, 2024;
- The expert discovery disclosure deadlines set forth in ¶ 5(b) of the Scheduling Order is amended to require Fed. R. Civ. P. 26(a)(2) disclosures on issues for which the party bears the burden of proof no later than January 3, 2024; and
- The expert discovery disclosure deadlines set forth in ¶ 5(b) of the Scheduling Order is amended to require all rebuttal or responsive expert reports and other disclosures required under Fed. R. Civ. P. 26(a)(2) shall be made no later than thirty (30) days after February 2, 2024.

With the consent of the Court, the Parties agree to comply with these deadlines in the absence of a Court order indicating otherwise. This letter also addresses the discovery issues raised in Kelly's September 14, 2023 letter requesting extension of the discovery schedule deadline [ECF No. 34].

The Scheduling Order also scheduled a status conference for October 18, 2023 at 12:00 pm. Consistent with the proposed extensions, the Parties submit that this status conference be rescheduled on or around January 16, 2024, or at the Court's convenience.

Thank you for your prompt consideration of this request

Very truly yours,

/s/ Benjamin R. Fliegel
Benjamin R. Fliegel
Reed Smith LLP

/s/ Jeffrey P. Nolan
Jeffrey P. Nolan
Pachulski Stang Ziehl & Jones LLP

/s/ Anthony Acampora
Anthony C. Acampora
Brian Powers
Silverman Acampora